

11. (New) The surface protection system of claim 10, wherein said skid-resistant means is selected from the group consisting essentially of polypropylene, foam, rubber and combinations thereof.

Sub 12. (New) The surface protection system of claim 4, wherein said surface protection system is a single, disposable sealed system.

13. (New) The surface protection system of claim 4, wherein said surface protection system is disposable and recyclable.

a2 14. (New) The surface protection system of claim 4, wherein said surface protection system includes a neutralizing means for controlling odor.

15. (New) The surface protection system of claim 10, wherein said neutralizing means is selected from the group consisting essentially of a disinfectant, fragrance, and both a disinfectant and fragrance.

Sub 16. (New) A method of protecting a surface from spillage of liquids by placing said surface protection system of claim 4 on the surface in need of protection.

REMARKS

Claims 4-16 are currently pending in the application. Only claims 4 and 16 are in independent form.

The Office Action states that the disclosure is objected to because of informalities in the Figure descriptions. Accordingly, Figures 19 A-C have been amended to more properly recite their brief description as suggested in the Office Action. Reconsideration of the objection is respectfully requested.

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Claims 1-3 stand rejected as failing to define the invention in a manner required under 35 U.S.C. Section 112, second paragraph. The Office Action states the claims are in narrative form and replete with indefinite and functional or operational language. Accordingly, in order to further prosecution, the claims have been amended herewith to overcome this rejection. Reconsideration of the rejection is respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. Section 102(b) as being anticipated by the Rockett et al patent. Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Rockett patent, as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim."

The Office Action states that the Rockett et al patent discloses a floor protection system comprising a cartridge top and absorbent core which is identical to the system of the presently pending claims. However, the claims as amended recite a top means, a moisture absorbance means and a barrier means. A barrier means is

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not disclosed in the Rockett et al patent. Additionally, the Rockett et al patent does not function in the same manner as the invention claimed by the presently pending independent claims. Namely, the Rockett et al patent functions to prevent puddling of liquid on the surface of a floor mat. This is in contradistinction with the surface protection system of the present invention which includes a top for both protecting an absorbance pad and moving water from the surface of the system to the absorbance pad. Specifically, the Rockett et al patent does not provide a top means for protecting the moisture absorbance means. As the Rockett et al reference does not disclose all of the elements of the surface protection system of the presently pending independent claims, reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above, the prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

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The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES



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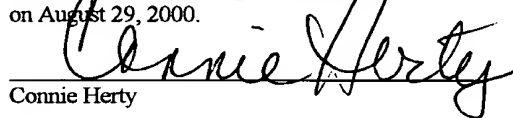
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on August 29, 2000.


Connie Herty

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